

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed July 26, 2007.

I. Introduction

Claims 1, 9, 11, 12, 15, 32, 34, and 36 have been amended. No new matter has been introduced. Claims 11-12 have been amended solely to correct typographical errors. Claims 19-31 have been previously cancelled without prejudice. Accordingly claims 1-18 and 32-37 are now pending.

In the Office Action the Examiner found claims 9-13 and 36 objectionable as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Dependent claims 9 and 36 have been so amended, and therefore claims 9-13 and 36 are in condition for allowance. Applicant thanks the Examiner for this determination of allowability.

The Examiner rejected claims 1-8 and 14-18 as being anticipated under 35 U.S.C. §102(e) by U.S. Patent Publication No.2003/0161335A1 (herein after "the Fransdonk publication"). The Examiner has further rejected claims 1-8 and 14-18 as being anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,684,250 (herein after "the Anderson et al. patent").

In addition the Examiner rejected claims 33-35 and 37 under 35 U.S.C. §103(a) as being unpatentable over the Anderson et al. patent in view of U.S. Patent Publication No. 2002/0165835A1 (hereinafter "the Igval publication").

As will be discussed below, none of the pending claims are anticipated or rendered obvious by the applied references.

**II. The Objections to
Claims 9-13 and 36 have been overcome**

Dependent claims 9 and 36 have been rewritten in independent form to incorporate all of the limitations of the base claim and intervening claims. Therefore, claims 9 and 36 are now allowable. Claims 10-13, as being dependent on allowable claim 9, are also thereby allowable.

**III. The Rejection of
Claims 1-8 and 14 under §102**

Independent claim 1 has been amended to more particularly point out the following features:

*obtaining physical location information
indicating the location of a user device which
is the source of said IP packet prior to
delivery of the packet to the destination
address*

The Fransdonk publication does not teach or suggest the above feature. The Fransdonk publication discloses a request from a content requestor to a content distributor (Abstract), and the **distribution of the content** is potentially withheld depending on the "geographic region" (paragraph [0373]) of the content requestor.

This is further detailed in paragraph [0375]: "At block 556, the conditional access agent 28 determines the source IP address of the request received from the content requester at the content destination 22, and

attempts to map the source IP address to a geographic location."

Further, at paragraph [0377]: "Following a positive determination at decision block 560, the conditional access agent 28 releases the requested content, stored on the local content server 40 for delivery to the content destination 22 of the content requester."

All of this activity takes place after the IP packet has been sent from the content requester and received by the content distributor, and therefore, there is no teaching or suggestion of "obtaining physical location information indicating the location of a user device which is the source of said IP packet **prior to delivery of the packet to the destination address**"¹.

The Anderson et al. patent discloses an "estimated geographic location" based upon "a degree of confidence-factor weighted agreement within a plurality of geographic locations" (Abstract). This is accomplished by identifying the location of a **router** which is associated with the "machine" in question, not the location of the device itself. At col. 8, lines 14-20: "Typically, most network addresses (e.g., IP addresses) are associated with a particular geographic location. This is because routers that receive packets for a particular set of machines are fixed in location and have a fixed set of network addresses for which they receive packets. The machines that routers receive packets for **tend to be geographically proximal to the routers** [emphasis added]".

Other methods employed to estimate the approximate location of a device include:

¹ Emphasis added in this claim element reproduction and in all other such reproductions in this paper.

1. Tracking ownership of blocks of IP addresses (col. 15, lines 33-35);
2. Tracking ownership of domain names (col. 15, lines 42-43);
3. Tracking autonomous systems of routers (col. 15, lines 46-50);
4. DNS Location record for a host (col. 15, lines 52-54);
5. Tracing the route of the data packet (col. 15, lines 55-60);
6. The "hostname" in a network address (col. 15, line 66-col. 16, line 1); and
7. "Demographic/Geographic Data" (col. 16, lines 5-7).

None of these methods teach "obtaining **physical location** information indicating the **location of a user device**". At best, they are **guesses** at what **general vicinity** a device is **likely** to be found by identifying possible locations of **other devices** which **might be nearby** the target device.

It should be noted here that the Fransdonk publication also does not teach "obtaining **physical location** information indicating the **location of a user device**". At paragraph [0373]: "The retrieved access criteria includes geographic access criteria specifying **geographic regions** (e.g., countries, states, provinces, counties, towns, municipal areas, etc.) and access conditions associated with those **geographic regions**". There is no determination in either reference of the "physical location" of a "user device".

For at least these reasons, **claim 1, as amended, is patentable over any combination of the cited references.**

As claims 2-8 and 14 are dependent on allowable claim 1, **Claims 2-8 and 14 are, for at least this reason, also patentable over the cited references.**

Claim 7 is further distinguishable over the cited references as it contains the further feature:

*determining the location of the user
device from edge router and port information
obtained from an edge router*

Neither the Fransdonk publication nor the Anderson et al. patent teach or suggest attempting to determine the location of a device "from edge router and port information". For at least this additional reason, claim 7, and claim 8 which depends therefrom, are patentable over the cited references.

IV. The Rejection of claims 15-18 under §102

Independent claim 15 has been amended to more particularly point out the following features:

*means for obtaining physical location
information indicating the location of a user
device which is the source of said IP packet
prior to delivery of the packet to the
destination address*

As argued above in relation to claim 1, as amended, neither the Fransdonk publication nor the Anderson et al. patent teach or suggest the above features.

For at least this reason, **claim 15, as amended, is patentable over the cited references.**

As claims 16-18 are dependent on allowable claim 15, **Claims 16-18 are, for at least this reason, also patentable over the cited references.**

**V. The Rejection of Claims 32
under §102 and 33-35 and 37 under §103**

Independent claim 32 has been amended to more particularly point out the following features:

*determining from said source address the
physical location from which said IP packet was
sent prior to delivery of the packet to the
destination address*

As argued above in relation to claim 1, as amended, neither the Fransdonk publication nor the Anderson et al. patent teach or suggest the above features.

For at least this reason, **claim 32, as amended, is patentable over the cited references.**

As claims 33-35 and 37 are dependent on allowable claim 15, **Claims 33-35 and 37 are, for at least this reason, also patentable over the cited references.**

The Igval publication, cited against claims 33-35 and 37, likewise does not teach or suggest the features argued above. The Igval publication teaches a method of estimating the approximate probable geographic location of a device, not "determining" the "physical location from which said IP packet was sent".

Paragraph [0027] states: "the locator application 128 may employ techniques such as sending 'homing' signals back and forth between the postage meter 140b and the data center 120 along different routes 165 through the Internet 160 and using the corresponding transmission times or other communications parameters associated with

the homing signals to triangulate the physical location of the postage meter 140b".

Claim 35 is further distinguishable over the cited references as it contains the additional feature:

identifying the device transmitting said IP packet from a MAC address determined from a database associating said MAC address with said source address

None of the Fransdonk publication, the Anderson et al. patent, nor the Igval publication teach or suggest "identifying the device transmitting said IP packet from a MAC address", nor where such is "determined from a database associating said MAC address with said source address". Therefore, for at least this additional reason, claim 35 is patentable over any combination of the cited references.

Claim 37 is further distinguishable over the cited references as it contains the additional feature:

*determining if said IP packet was sent at a **predetermined time** during which a location reporting message was scheduled to be transmitted*

None of the Fransdonk publication, the Anderson et al. patent, nor the Igval publication teach or suggest "determining if said IP packet was sent at a predetermined time". Therefore, for at least this additional reason, claim 37 is patentable over any combination of the cited references.

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VI. Conclusion

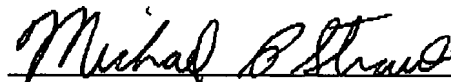
In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

October 24, 2007



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